

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

RNK, Inc. d/b/a RNK Telecom,)	
Nuvio Corporation, Unipoint)	
Enhanced Services d/b/a PointOne,)	
Dialpad Communications, Inc.,)	
Vonage Holdings Corp., and)	CC Docket No. 99-200
VoEx, Inc. Petitions for Limited)	
Waiver of Section 52.15(g)(2)(i))	
of the Commission's Rules Regarding)	
Access to Numbering Resources)	

**JOINT REPLY COMMENTS OF DIALPAD COMMUNICATIONS, INC.,
NUVIO CORPORATION, AND VOEX, INC.**

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Executive Summary

Dialpad Communications, Inc. (“Dialpad”), Nuvio Corporation (“Nuvio”), and VoEx, Inc. (“VoEx”) (the “Joint Petitioners”) hereby submit these reply comments in the above-referenced docket concerning limited waivers of the Federal Communications Commission’s (“FCC’s”) rules that limit direct numbering resource assignments. These reply comments respond to issues raised by various parties, and to emphasize that the FCC has already considered and rejected the arguments raised by parties in opposition during the course of the proceeding opened to consider SBCIS’ petition for identical relief.

The Joint Petitioners have uniformly agreed to meet the numbering requirements as established by the FCC (as well as those delegated to state commissions). There is no basis for the Commission to revisit these specific requirements. They are fully congruent with federal and state numbering requirements. Further, the *SBCIS Waiver Order* already addressed and listed the specific requirements service providers should meet. Finally, the FCC already considered the issues raised by parties filing comments in opposition during the proceeding that considered SBCIS’ waiver petition.

Joint Petitioners also assert that the FCC should not adopt any special conditions when granting the limited waivers to the Joint Petitioners given that no party has explained why VoIP providers should be held to higher standards when requesting numbering resources than traditional providers of wireline and wireless services.

Further, state certification of VoIP providers in order to obtain numbering resources will be unduly burdensome, and, in fact, has already been considered and rejected by the FCC. Beyond the incredible and unnecessary administrative burden on

VoIP providers, such requirements would conflict with the FCC's prior determinations concerning the types of VoIP services offered by the Joint Petitioners. These services are inherently interstate, and under the Commission's *Vonage Order*, cannot be subject to state market entry requirements.

In addition, the Commission's resolution of Joint Petitioners' waiver requests should not be based on whether their service is capable of providing E911/911 services prior to granting interim relief. While the Joint Petitioners agree that the provision of E911/911 services is an important social policy goal, such policy determinations are better left for resolution in the IP-Enabled Services proceeding. The Commission has also concluded that such capabilities need not be demonstrated for purposes of obtaining numbering resources under the *SBCIS Waiver Order*.

Finally, the Joint Petitioners remind the Commission that the relief sought in the waiver petitions is only intended to be an interim measure until the NANC makes recommendations which must then be reviewed and formalized by the FCC. The lack of formalized rules did not prevent the FCC from granting SBCIS' petition for waiver, and it should not be used to deny the similar requests of the Joint Petitioners.

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_____)	

**JOINT REPLY COMMENTS OF DIALPAD COMMUNICATIONS, INC.,
NUVIO CORPORATION, AND VOEX, INC.**

I. Introduction

Dialpad Communications, Inc. ("Dialpad"), Nuvio Corporation ("Nuvio"), and VoEx, Inc. ("VoEx") (the "Joint Petitioners") hereby submit these reply comments in the above-referenced proceeding. The Joint Petitioners filed for limited waiver of the Federal Communications Commission's ("FCC's") rules that limit direct numbering resource assignments from the North American Numbering Plan Administrator ("NANPA") and the Pooling Administrator ("PA") to state-certificated carriers of wireline telecommunications services and wireless service providers. The Joint Petitioners seek waiver of 47 C.F.R 52.15(g)(2)(i) until such time as the FCC adopts numbering rules applicable to providers of Voice over Internet Protocol ("VoIP") service providers. The FCC granted similar relief to SBC Internet Services, Inc. ("SBCIS") and

indicated that “[t]o the extent that other entities seek similar relief as SBCIS we would grant such relief to an extent comparable to what we set forth in this order.”¹

A total of twelve parties filed comments in response to waiver petitions filed by the Joint Petitioners and others.² Parties submitting comments included six state public utility commissions,³ four industry telecommunications or information service providers,⁴ and two other industry groups.⁵ The Joint Petitioners file these reply comments to respond to the issues raised by various parties. The Joint Petitioners would like to emphasize that the FCC has already considered and rejected the arguments raised by parties in opposition during the course of the proceeding opened to consider SBCIS’ petition for identical relief.⁶ Further, in granting SBCIS’ petition, the FCC committed to granting similar relief to other parties.⁷ Accordingly, in the absence of any newly raised

¹ See *Administration of the North American Numbering Plan*, Order, CC Docket 99-200, FCC 00-50, ¶ 11 (rel. Feb. 1, 2005) (“*SBCIS Waiver Order*”).

² Petitions seeking similar relief were filed by RNK, Inc. d/b/a RNK Telecom, Unipoint Enhanced Services d/b/a PointOne, and Vonage Holdings Corp.

³ See California Public Utilities Commission and of the People of the State of California Comments (filed Apr. 11, 2005) (referred to herein as the “CPUC”); Nebraska Public Service Commission Comments (filed Apr. 11, 2005) (referred to herein as the “NE PSC”); Michigan Public Service Commission Comments (filed Apr. 11, 2005) (referred to herein as the “MPSC”); Iowa Utilities Board Comments (filed Apr. 11, 2005) (referred to herein as the “IUB”); Maine Public Utilities Commission Comments (filed Apr. 11, 2005) (referred to herein as the “ME PUC”); and Public Utilities Commission of Ohio Comments (filed Apr. 11, 2005) (referred to herein as the “PUCO”).

⁴ See, e.g., Verizon Telephone Companies Comments (filed Apr. 11, 2005) (referred to herein as “Verizon”); Opposition of Qwest Communications International Inc. to UniPoint Enhanced Services d/b/a PointOne Petition for Limited Waiver (filed Apr. 11, 2005) (referred to herein as “Qwest”); XO Communications, Inc. Comments (referred to herein as “XO”); and SBC Internet Services, Inc. Comments (filed Apr. 11, 2005) (referred to herein as “SBCIS”).

⁵ See, e.g., NENA Comments (filed Apr. 11, 2005) (referred to herein as “NENA”); and Initial Texas 9-1-1 Alliance Comments (filed Apr. 11, 2005) (referred to herein as the “Texas 911 Alliance”).

⁶ See, e.g., Public Notice, Comment Sought on SBC IP Communications, Inc. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission’s Rules Regarding Access to Numbering Resources, DA 04-2144, CC Docket No. 99-200 (rel. July 16, 2004).

⁷ See *SBCIS Waiver Order*, ¶11.

issues, in the interest of equity and preserving a level competitive playing field, the FCC must grant the relief sought by the Joint Petitioners.

II. The Joint Petitioners Have Committed to Complying with Number Pooling, Number Portability and State Numbering Rules

The Joint Petitioners have uniformly agreed to meet the numbering requirements as established by the FCC and to comply with numbering authority delegated to state commissions. There is no basis to revisit the particular requirements that the Joint Petitioners must adhere to because: (1) they are fully congruent with federal and state numbering requirements; (2) the FCC, in the *SBCIS Waiver Order*, already addressed and listed the specific requirements service providers should meet; and (3) the FCC already considered the issues raised by parties filing comments in opposition during the proceeding that considered SBCIS' waiver petition. Upon a grant of numbering resources from either the NANPA or the PA, the Joint Petitioners will become obligated to meet all applicable state and federal numbering requirements including, but not limited to, portability, reporting, and pooling requirements.⁸ As such, the FCC must grant the interim relief sought by the Joint Petitioners.

A. Granting the Relief Requested Will Not Affect State and Federal Number Resource Optimization and the FCC's Number Portability Regulations

Certain parties argue that state and federal efforts concerning number resource optimization could be jeopardized by granting the Joint Petitioners request for relief and that the FCC should make explicit that VoIP providers are required to comply with all relevant number resource optimization and number portability regulations.⁹ In filing

⁸ See *SBCIS Waiver Order*, ¶ 9.

⁹ See, e.g., Comments of the Nebraska Public Service Commission at 5 (filed Apr. 11, 2005) (noting concern that waivers may result in Nebraska area code insecurity); Comments of the Iowa Utilities Board at 2 (filed Apr. 11, 2005) (expressing concern over Iowa area code stability and 10,000 number block

petitions for limited waiver, the Joint Petitioners committed to adhering to all of the conditions established by the FCC in the *SBCIS Waiver Order*.¹⁰ The FCC made clear in the *SBCIS Waiver Order* that state and federal number resource optimization regulations would apply to VoIP service providers that sought similar relief as SBCIS. Specifically, the *SBCIS Waiver Order* provides that:

SBCIS must comply with the Commission's numbering utilization and optimization requirements and industry guidelines and practices, including numbering authority delegated to state commissions; and SBCIS must submit any requests for numbering resources to the Commission and the relevant state commission at least 30 days prior to requesting resources from the NANPA or the PA.¹¹

Further, it is also clear from the *SBCIS Waiver Order* that all VoIP providers must comply with the FCC's number portability regulations.¹² The dictates of the *SBCIS Waiver Order* coupled with the Joint Petitioners' assurances that they would meet *all* applicable numbering rules and regulations could not make it more evident that such concerns are without merit.

resources); Comments of the Maine Public Utilities Commission at 2 (filed Apr. 11, 2005) (stating that the FCC should not grant waiver without requiring compliance with state oversight and federal pooling, porting, and reporting requirements); Comments of the Verizon Telephone Companies at 1 (filed Apr. 11, 2005) (insisting all waiver petitioners comply with number portability requirements).

¹⁰ See, e.g., *Dialpad Communications, Inc. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Access to Numbering Resources*, Petition for Limited Waiver, CC Docket No. 99-200, at 6-7 (filed Mar. 1, 2005) ("*Dialpad Petition*") (stating Dialpad would comply with all applicable numbering requirements); *Administration of the North American Numbering Plan; Petition of Nuvio Corporation For Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Numbering Resources*, Petition for Limited Waiver, CC Docket 99-200, at 2 (filed Feb. 14, 2005) ("*Nuvio Petition*") (stating Nuvio would comply with all applicable numbering requirements); see also *VoEx Inc. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Access to Numbering Resources*, Petition for Limited Waiver, CC Docket No. 99-200, at 6 (filed Mar. 4, 2005) ("*VoEx Petition*") (stating VoEx would comply with all applicable numbering requirements).

¹¹ *SBCIS Waiver Order*, ¶ 9.

¹² *SBCIS Waiver Order*, ¶ 9.

The limited waivers being sought by the Petitioners are consistent with the FCC's numbering resource optimization goals. As previously stated, the Petitioners have uniformly agreed to abide by state and federal numbering regulations, including but not limited to thousand-block number pooling, numbering resource utilization/forecast reports, local number portability, contributions to numbering administration costs, and facilities-readiness requirements. The Joint Petitioners appreciate the concerns raised concerning number exhaustion, but granting the petitions will not impede state number conservation efforts in any way. As previously discussed by SBCIS, the FCC need only look to number utilization by CMRS providers to see how carriers lacking state certifications are still subject to federal and state numbering requirements.¹³

Similarly, Joint Petitioners will be subject to federally delegated state numbering usage audits (similar to those undertaken on CMRS providers). By allowing Joint Petitioners to directly obtain numbering resources from the NANPA and PA, states will have a clearer and more direct authority over the use of those numbers than they currently have (as most VoIP providers are obtaining numbering resources *indirectly* through CLEC partners).

The Joint Petitioners have also agreed to file NRUF reports for the numbering resources they receive. NRUF reports will undoubtedly assist the states in their number conservation efforts because those providers obtaining numbers will report on the numbering usage directly associated with their VoIP services. This should provide the states with more information than they currently receive from CLECs as VoIP providers will classify their numbering usage according to the requisite categories.

¹³ See *SBC IP Communications, Inc. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Access to Numbering Resources*, Reply Comments of SBC IP Communications, Inc. CC Docket No. 99-200, at 8-15 (filed Aug. 31, 2004).

In this regard, it is unclear as to what the basis is for the ME PUC's contention that Nuvio repudiated limitations concerning geographic association of numbers in its petition for limited waiver of the FCC's numbering rules and what source the ME PUC believes imposes some sort of fixed geographic requirement. In its petition, Nuvio specifically stated that it is amenable to complying with all of the terms and conditions set forth in the relevant portions of the *SBCIS Waiver Order*.¹⁴ Nuvio has made no repudiation of any limitation concerning numbering resources, and cannot determine where the ME PUC finds Nuvio to have made such a declaration. Moreover, Nuvio currently receives numbering resources from certificated carriers, as that is the only way that companies like Nuvio can obtain telephone numbers without a waiver of the FCC's numbering rules, and intends to use numbering resources in exactly the same manner as it does today. This practice has not been found to violate any numbering rules and Nuvio cannot imagine how the direct assignment of numbering resources would change the status quo.

The ME PUC has not cited any rules, orders, laws or regulations that it claims Nuvio is violating due to the simple fact that there are not any. The Alliance for Telecommunications Industry Solutions' Industry Numbering Committee ("ATIS-INC") examined this very issue for over a year and came to the conclusion that there was no violation of the FCC rules or industry guidelines.¹⁵ Common sense also dictates that the ME PUC's concern is a red herring. To conclude otherwise would deny wireless service providers access to numbering resources because many users of such services obtain

¹⁴ See *Nuvio Petition* at 2.

¹⁵ See *Industry Numbering Committee (INC) Report on VoIP Numbering issues* (rel. Nov. 4, 2003), available at <http://www.atis.org/pub/clc/inc/iss/iss393.doc>.

telephone numbers from area codes that are not associated with where they are located for purposes of residency or employment. Perhaps more importantly, this very concern was previously raised and rejected by the FCC in connection with SBCIS' petition and the FCC must follow the same course with respect to the pending petitions.¹⁶

B. The FCC Should Not Subject VoIP Providers To Any Requirements in Excess of Those That Apply to Carriers and SBCIS

The FCC should not adopt any special conditions when granting the limited waivers to the Joint Petitioners. No party has explained why VoIP providers should be held to higher or different standards when requesting numbering resources as compared to traditional providers of wireline and wireless services. In fact, even if a party had made such a showing – which is not the case – this alone would not be sufficient reason for the Commission to impose a new standard because the FCC has already granted SBCIS a waiver without attaching any additional criteria to its numbering application process. The Joint Petitioners have already committed that when a provider directly requests numbers from the NANPA or the PA, the requesting party will follow all applicable rules and guidelines. Should any provider, including those of VoIP services, fail to comply with the applicable numbering rules, the transgressor will be dealt with according to clearly established procedures. To act in any other manner would be anticompetitive and discriminatory.

C. Direct Access to Numbering Resources Will Not Affect Area Code Stability

Several parties oppose the requested waivers based on concerns over the stability

¹⁶ See Comments of the Public Utility Commission of Ohio at 4 (filed Aug. 16, 2004).

of area codes and number exhaust.¹⁷ Notably, these same concerns were raised and specifically rejected during the FCC's consideration of SBCIS' petition.¹⁸ Clearly, in light of the FCC's approval of SBCIS' petition, there are no unique concerns presented by granting the Joint Petitioners the relief they seek.

These very concerns, as well as many other imagined deleterious effects, were also considered in detail during the ATIS-INC VoIP Workshop. As previously stated, no issues were found by the INC to be significant enough to require revision to numbering rules and guidelines.¹⁹ Portable service like wireless phones already allow consumers to obtain telephone numbers in distant area codes yet these services have not been found or accused of causing unacceptable strain on the North American Number Plan. Additionally, VoIP providers are able to offer users their choice of area code in the marketplace today. Direct assignment of numbering resources to VoIP providers will not result in the offering of additional functionality in this regard. Accordingly, these concerns are both baseless and irrelevant to the limited waiver sought by the Joint Petitioners.

D. State Certification Should Not be a Condition to Obtaining a Waiver

Certain parties recommend that VoIP providers should be subject to state certification or licensure requirements in order to obtain telephone numbering

¹⁷ See, e.g., Comments of the Maine Public Utilities Commission at 3 (filed Apr. 11, 2005); Comments of the Nebraska Public Service Commission at 5 (filed Apr. 11, 2005); Comments of the Iowa Utilities Board at 2 (filed Apr. 11, 2005).

¹⁸ See, e.g., Comments of the Public Utility Commission of Ohio at 3-4 (filed Aug. 16, 2004). See also Reply Comments of the Maine Public Utilities Commission at 4-5 (filed Aug. 30, 2004); Reply Comments of the California Public Utilities Commission and the People of the State of California on SBCIP Petition for Limited Waiver at 21-23 (filed Aug. 31, 2004).

¹⁹ See *supra* Section IIA.

resources.²⁰ In attaching its previously filed comments, the PUCO reiterated that “state certification should be a prerequisite to obtaining numbers from NANPA.”²¹ Similarly, MPSC stated that “it may be in consumers’ best interest to license VoIP service providers and providers of other emerging interstate technologies, similar to wireless carriers.”²²

The FCC rejected the adoption of any state licensing or certification requirements when it considered SBCIS’ petition. The re-submission of comments made by the PUCO concerning SBCIS’ petition makes it abundantly clear that this issue was previously considered and rejected by the FCC. In fact, the very relief the Joint Petitioners seek is from the state certification requirement. Adopting such a condition would impose an incredible and unnecessary administrative burden on VoIP providers that simply want direct access to numbering resources.

The FCC has already confirmed that the type of VoIP services offered by the Joint Petitioners is inherently interstate and cannot be subject to state market entry requirements.²³ In the *Vonage Order*, the FCC specifically preempted state-based entry regulation of VoIP services.²⁴ The FCC should see these arguments for what they are: inappropriate attempts to resurrect state certification requirements in the form of the FCC’s numbering regulations, thus granting states the jurisdiction to regulate VoIP services and service providers. The FCC has already considered and clearly rejected such efforts in the *Vonage Order*. Issues relating to federal registration and other potential for

²⁰ See Comments of the Michigan Public Service Commission at 3 (filed Apr. 11, 2005); Public Utilities Commission of Ohio Comments at 1 (filed Apr. 11, 2005).

²¹ Comments of the Public Utilities Commission of Ohio at 1 (filed Apr. 11, 2005).

²² Comments of the Michigan Public Service Commission at 3 (filed Apr. 11, 2005).

²³ See generally *Vonage Holdings Corporation Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, WC Docket No. 03-211, Memorandum Opinion and Order (rel. Nov. 12, 2004) (“*Vonage Order*”).

²⁴ See generally *Vonage Order*.

the imposition of other federal regulations on VoIP providers should be left for the IP-Enabled Services proceeding.

III. Provision of E911 Services is an Important Public Policy Objective, But is Not Relevant to the Numbering Resources Waiver Process

Some opposing parties argue that the FCC should condition the grant of interim relief from the FCC's numbering rules on a demonstration by the requesting VoIP providers that their service is capable of providing E911/911 services prior to granting interim relief.²⁵ While the Joint Petitioners agree that the provision of E911/911 services is an important social policy goal, the Joint Petitioners question the relevance of this goal to the relief sought. VoIP providers obtain numbering resources today from certificated carriers. The Joint Petitioners merely seek relief from the rule that requires them to access such resources indirectly.

The provision of emergency services by VoIP providers requires that incumbents allow access to the emergency services network infrastructure. Direct access to telephone numbers does not have any bearing on the provision of E911/911 service with the possible exception that denying such access will prohibit VoIP providers from exploring different PSTN interconnection options some of which may lead to facilitating the delivery of emergency services to VoIP customers. As the FCC found in granting SBCIS' waiver, the only issues and conditions relevant to petitions for limited waiver of the FCC's numbering rules are those pertaining to numbering "[w]e do not find it necessary, however, to condition SBCIS' waiver on compliance with requirements other than numbering requirements."²⁶ Thus, the FCC should follow suit and recognize that

²⁵ See generally Initial Comments of the Texas 9-1-1 Alliance (filed Apr. 11, 2005); see also Comments of NENA at 2 (filed Apr. 11, 2005).

²⁶ SBCIS Order, ¶ 9.

access to numbering resources and the delivery of emergency services are wholly unrelated.

It is important to recognize that the FCC is examining issues relating to the provision of emergency services in the IP-Enabled Services proceeding.²⁷ The FCC specifically stated there that it would consider public policy goals including the question of whether IP-enabled service providers must offer 911 and/or E911 service.²⁸ As such, the FCC should not require the Joint Petitioners to make any demonstrations concerning 911 or E911 service for purposes of obtaining numbering resources at this time. The FCC should not allow certain parties to bootstrap such requirements into this proceeding. Instead, these issues should clearly be left for the IP-Enabled Services proceeding and addressed in a comprehensive manner that recognizes the role that each participant in the industry must play in order to bring about a robust E911/911 solution to users of VoIP service. In that proceeding, the Commission will have the opportunity to consider that VoIP providers must have access to elements of the emergency services network controlled by the incumbents in order to provide E911/911 service to their customers.

Equally important, E911/911 issues were raised when the FCC was considering SBCIS' petition for waiver of the FCC's numbering rules.²⁹ Some parties recommended that the FCC require more details concerning how emergency services would be delivered to users of VoIP services prior to granting SBCIS' limited petition for waiver. Recognizing that the delivery of emergency services by a VoIP provider and direct access

²⁷ See *IP-Enabled Services*, Notice of Proposed Rulemaking, WC Docket No. 04-36, ¶¶ 51-57 (rel. Mar. 10, 2004).

²⁸ See *id.*

²⁹ See, e.g., *Comments of BellSouth Corporation* at 2-3 (filed Aug. 16, 2004).

to numbering resources were inapposite, the FCC granted SBCIS' petition. Accordingly, the FCC must follow suit and grant the waiver sought by the Joint Petitioners.

IV. The FCC's Waiver Process is Intended to Be an Interim Measure

Several commenters argued that the FCC should not grant the Joint Petitioners' waiver requests, or that the waiver process is premature, because the North American Numbering Council ("NANC") has yet to review whether and how numbering rules should be modified to allow IP-enabled service providers to access numbering resources.³⁰ These arguments are without merit, as the waiver process was *specifically intended* to operate as an interim measure until the NANC makes recommendations which must then be reviewed and formalized by the FCC. As stated by the FCC in its *SBCIS Order*, "[w]e also request the [NANC] to review whether and how our numbering rules should be modified to allow IP-enabled service providers access to numbering resources in a manner consistent with our numbering optimization policies. The waiver will be in effect *until the Commission adopts final numbering rules for IP-enabled services*."³¹ Clearly, the lack of rules did not prevent the FCC from granting SBCIS' petition for waiver, nor did it preclude the FCC from committing to making similar relief available to other entities, like the Joint Petitioners, that sought such relief.³² Accordingly, since this concern was specifically addressed and rejected by the FCC in the *SBCIS Waiver Order*, the FCC should follow suit here.

³⁰ See, e.g., Comments of the Iowa Utilities Board at 3-4 (filed Apr. 11, 2005); Comments of the Nebraska Public Service Commission at 6 (filed Apr. 11, 2005).

³¹ *SBCIS Waiver Order*, ¶ 1 (emphasis added).

³² *SBCIS Waiver Order*, ¶ 11 ("To the extent other entities seek similar relief we would grant such relief to an extent comparable to what we set forth in this Order.").

Furthermore, the Petitioners have recognized the interim nature of the relief sought. For example, Nuvio states that its petition is styled as a limited petition because “Nuvio seeks relief only for a limited period of time, namely, until the Commission adopts final numbering rules in the pending *IP-Enabled Services* proceeding, as did SBCIS.”³³ Likewise, both Dialpad and VoEx stated in their petitions that they are requesting the waiver in a manner comparable to the SBCIS waiver “until the Commission adopts final numbering rules either through the North American Numbering Council or in the *IP-Enabled Services* proceeding.”³⁴

Further, there is no established timeframe for the NANC to review the rules and adopt new regulations to allow IP-enabled service providers to obtain numbering resources. Upon NANC’s consideration, the FCC will still need to review any proposals and approve permanent regulations. As such, waiting for new regulations before allowing other VoIP providers (besides SBCIS) to directly access numbering resources would be unfair, as the FCC has already given its approval to SBCIS under similar circumstances. Until the FCC adopts permanent rules, the waiver process is the only way to fairly allow VoIP providers to directly access numbering resources.

V. Conclusion

The Joint Petitioners urge the FCC to grant the petitions currently before it. The Joint Petitioners have each specifically stated that they will abide by the relevant industry numbering guidelines, the numbering rules and regulations identified by the FCC in the *SBCIS Waiver Order*, and the FCC has made clear that federal and state regulations will continue to apply to VoIP providers. Adopting heightened new standards for the Joint

³³ See *Nuvio Petition* at 2.

³⁴ *Dialpad Petition* at 4; *VoEX Petition* at 4.

Petitioners that do not exist for wireline, wireless or SBCIS would be discriminatory and anticompetitive. As such, there is no basis to impose additional obligations on the Joint Petitioners. Requiring state certification for purposes of directly obtaining numbering resources would be unduly burdensome and would conflict with the FCC's prior determinations concerning the rightful jurisdictional scope of state public service commissions over VoIP providers and services. Further, direct access to numbering resources and the delivery of emergency services to VoIP consumers have no logical link. Thus, the FCC should grant the interim relief sought and comprehensively address access to emergency services in the IP-Enabled Services proceeding. Finally, the FCC should not wait for the NANC to act as the FCC has already indicated its willingness to grant interim relief until such time as final rules are adopted.

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Dated: April 26, 2005

Certificate of Service

I, Jeffrey R. Strenkowski, certify that these Reply Comments of the Joint Petitioners (Dialpad Communications, Inc., Nuvio Corporation, and VoEx, Inc.) were served via first class mail to the persons on the attached service list on this date, except for the FCC and Best Copy and Printing, Inc. which were served via electronic filing, and except for those persons noted below (*), which were served via hand delivery.

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Dated: April 26, 2005

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